

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15 are pending in the present application. Claims 1-9 have been amended and claims 11-15 have been added by the present amendment.

In the outstanding Office Action, the abstract was objected to; claim 1 was objected to; claim 7 was rejected under 35 U.S.C. § 112, second paragraph; claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by Gaal; claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by Rimoni; claims 2-6, 8 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gaal in view of Rimoni; and claim 9 was indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter. In light of this indication, claim 9 has been rewritten in independent form.

A new abstract has been added that does not use legal terminology and claim 1 has been amended as suggested in the Office Action. Accordingly, it is respectfully requested the objections to the abstract and claim 1 be withdrawn.

Further, claim 7 has been amended in light of the comments noted in the outstanding Office Action. Accordingly, it is respectfully requested the rejection of claim 7 under 35 U.S.C. § 112, second paragraph also be withdrawn.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as anticipated by Gaal. This rejection is respectfully traversed.

Amended independent claim 1 is directed to an apparatus for testing a performance of a mobile station having a global positioning system (GPS) function including a test block having test commands and a test user interface for testing the performance of the mobile station. Further, the test block and test interface are included within the mobile station, and the apparatus tests the performance of the mobile station by operating the test block driven through the test user interface.

In a non-limiting example, Figure 2 illustrates a mobile station 15 including a test block 26 and a test user interface 25. Thus, because the test block 26 and test user interface 25 are included within the mobile terminal 15, the time required for the performance test of the mobile station is reduced (see paragraph [0033] at page 10, for example). That is, the test processing of the mobile station 15 is not instructed and monitored by a remote dynamic monitoring device 29 (see Figure 2), but is performed by the mobile station 15 including the internal test block 26, thereby the test equipment required for the test proceeding is simplified and the time required for the test is reduced (see paragraph [0034] at page 11, for example). Figure 3 illustrates an example of a test being performed on the mobile terminal.

On the contrary, as shown in Figure 3 of Gaal, the mobile station 10 does not include a test block and a test interface for performing a test of the mobile station as claimed by the present invention. Rather, Gaal includes external devices such as a position determination entity (PDE) simulator 18 in communication with a base station simulator 12 simulating one or more base stations. A GPS simulator 14 is also included in Gaal. Thus, the advantages present invention are not achieved with Gaal. Therefore, it is respectfully submitted

independent claim 1 and each of the claims depending therefrom patentable define over Gaal.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as anticipated by Rimoni. This rejection is respectfully traversed.

Similar arguments apply to Rimoni as that discussed above with respect to Gaal. That is, Rimoni also does not teach or suggest a test block and test interface being included within the mobile station for performing a test of the performance of the mobile station. Rather, as shown in Figure 3, Rimoni includes a separate external simulator 50 and operator console 52 that are used to perform a test on a unit 54.

Accordingly, it is respectfully submitted independent claim 1 and each of the claims depending therefrom also patentable define over Rimoni.

Claims 2-6, 8 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Gaal in view of Rimoni. This rejection is respectfully traversed.

Independent claim 6 includes similar features as that discussed above with respect to independent claim 1. For example, independent claim 6 has been amended to recite that the initiation of a testing of a performance of the mobile station is performed by setting set values according to a test type by an input through a keypad of the mobile station. As discussed above, Rimoni and Gaal do not teach or suggest such features. Accordingly, it is respectfully requested this rejection also be withdrawn.

In addition, the claims have been amended to correct minor cosmetic informalities and to better correspond with U.S. claim drafting practice. The specification has also been

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amended to include the proper reference numerals and to correct minor informalities. It is believed no new matter has been added.

Further, new claims 11-15 have been added to set forth the invention in a varying scope, and Applicants submit the new claims are supported by the originally filed application. It is respectfully submitted new dependent claims 11-15 further define over the applied art.

### **CONCLUSION**

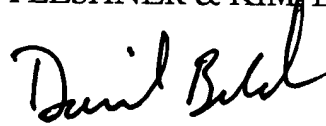
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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ABSTRACT OF THE DISCLOSURE

~~Disclosed is an apparatus and method for testing a performance of a mobile station having a GPS function. The apparatus includes a test block and a test user interface for testing a performance of the mobile station, wherein apparatus tests the performance by operating the test block driven through the test user interface.~~ An apparatus for testing a performance of a mobile station having a global positioning system (GPS) function including a test block having test commands and a test user interface for testing the performance of the mobile station. The test block and test interface are including within the mobile station. Further, the apparatus tests the performance of the mobile station by operating the test block driven through the test user interface.